

REMARKS

Note that because applicants erroneously numbered claims previously added in amendment file on January 31, 2005 (i.e., by numbering claims 55 and 56 twice), applicants hereby re-number claims 57-66 properly, without adding new claims.

This responds to 5/2/05 Office Action rejecting claims 37-43, 46, 50, 52-56, ~~59~~61 and ~~63~~65 under 35.U.S.C.102e over Hollenberg (US.PAT 6091956); claims 44, 47-49, ~~57~~59 and ~~59-62~~ 61-64 under 35.U.S.C.103a over Hollenberg in view of Kennedy III et al (US.PAT 6301480); claims 45 and ~~58~~60 under 35.U.S.C.103a over Hollenberg in view of Dennison et al (US.PAT 6847822); and claims 51 and ~~64~~66 under 35.U.S.C.103a over Hollenberg in view of Tendler (US.PAT 5598460).

Accordingly Applicants amend independent claims 11 and 52 to distinguish claims patentably over cited references, particularly adding the limitation that the claimed cellphone accesses "a communication module for enabling voice or video over Internet-Protocol streaming via the wireless communicator, the communication module comprising a user-customizable or reconfigurable software program, firmware or circuit accessible locally in the cellphone or remotely via the network, the communication module being partitionable or uninstallable as functional component, the voice or video stream being wirelessly communicated effectively via a data channel to a wireless Internet service provider."

Support appears in Specification, page 12, lines 27-29; page 14, lines 1-22; and page 17, line 30 to page 18, line 6.

Additionally it is respectfully noted that references cited by Examiner, in fact, neither teach nor suggest Applicants' claimed limitations in particular as follow:

- 5 • Regarding Applicants' claims 46 and ~~59~~61: Hollenberg col.8, lines 5-28 fails to teach or suggest that locator provides location based temporarily on the cellphone acceleration or signal triangulation, thereby enabling the cellphone location to be provided during a wirelessly-inaccessible down period.
- 10 • Regarding Applicants' claims 43 and 5658: Hollenberg col. 17, lines 19-25 fails to teach or suggest that wireless communicator communicates within a group of cellphones chatting privately in multi-cast mode using an embedded watermark or digital certificate, thereby securing such group communication electronically.
- 15 • Regarding Applicants' claims 50 and 6365: Hollenberg col. 16, also col. 8, line 61- col.10, line 42 fails to teach or suggest that wireless communicator receives electronically an audio/visual signal from the network controller according to an extensible markup language (XML) tag or software agent associated with the audio/visual signal, thereby enabling advertisement for local goods or services to be included with the audio/visual signal based upon the cellphone location.
- 20 • Regarding Applicants' claims 51 and 6466, Tendler 911-emergency fails to teach or suggest that image, audio or video signal is provided in a multi-media simulation program to represent the cellphone user and location in three-dimensions, virtual-reality or holographically.

Thus Applicants respectfully submit that claims are in condition for allowance.

Respectfully submitted,



Dennis S. Fernandez
Reg. No. 34,160

Date: 5/9/05

Customer No: 22877

Address: Fernandez & Associates, I.T.P.
PO Box D
Menlo Park, CA 94026-6204

Phone: (650) 325-4999
Fax: (650) 325-1203
Email: iploft@iploft.com